UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SIEMENS CORPORATION
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EXAMINER
JIANG, CHARLES C

ART UNIT	PAPER NUMBER
2472	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/572,898	ANDERS ET AL.
	Examiner	Art Unit	
	CHARLES C. JIANG	2472	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 June 2010</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>15,18-21 and 24-28</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>15,18-21 and 24-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see Page 6, filed 06/25/2010, with respect to the

rejection(s) of claims 15, 18-21,24-28 under 35 USC 103(a) have been fully considered

and are persuasive. Therefore, the rejection has been withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of Higgins, US

2002/0116505.

Response to Amendment

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 15, 18-21, 24-26 and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Higgins, US 2002/0116505 in view of Ohno, US 2003/0161332.

4.   As per claim 15, Higgins teaches a system for using services provided by a

communication network, the system comprising: a communication network having

internet mechanisms (Higgins, Fig. 1, Element 102 and 104, Paragraph 32 teaches an

internet based local area network, paragraph 36 explains the network interface

connecting to the network) and a central register database for providing information

about the services accessible from the communication network (Higgins, Fig. 1,

Elements 180 and 190, Paragraph 29 teaches information services 190 on sever

system 180); at least one automation system having automation components connected

by a conventional field bus (Higgins, Paragraph 36 teaches "one or more media drive

interfaces enable connections of various media drives the internal bus", Fig. 1 also

shows other automation components, such as keyboard, mouse and monitor, which are

connect to a bus), the automation components lacking internet mechanisms (Higgins,

Paragraph 36 teaches "one or more media drive interfaces enable connections of

various media drives" where media drives would be lacking internet mechanisms); and

a service access unit operative as one element of the automation system (Higgins, Fig.

1, Element 174A, Content Provider System, Paragraphs 29 and 35), the service access

unit for connecting the conventional field bus (Higgins, Fig. 1, Element 110 and 174A,

Paragraphs 36-37, the content provider system is stored in the main memory, which is

connected to a bus) to the communication network (Higgins, Fig. 1, Element 174A,

Paragraph 29 explains the content provider system provides access to a remote

server), wherein the service access unit operates as a client for requesting services

(Higgins, Paragraph 40 teaches "the content provider delivers the target server specific

format request to a target server"), as requested by automation components (Higgins,

Fig. 2, Elements 165 and 170, Paragraph 39 teaches "content provider accepts

calendaring and scheduling requests originating at calendar user application"), from the

communication network (Higgins, Paragraph 40 teaches "the content provider delivers

the target server specific format request to a target server") and operates as a server for

providing web services in the communication network (Higgins, Fig. 1, Elements 111

and 174B, in this case, the content provider acts as a server, Paragraph 33), the service

access unit further including a protocol converter (Higgins, Fig. 2, Element 278,

Paragraph 38 teaches "one or more protocol adapters") for adapting a first

communication protocol used by the services to a second communication protocol

(Higgins, Paragraph 40, "content provider converts data returned from target server to

an internal binary format suitable for internal needs", however, Higgins does not

explicitly teaches used by the field bus) ... thereby permitting the automation

components to communicate with internet mechanisms of the communication network

(Higgins, Paragraph 40, content provider converts data returned from target server to an

internal binary format suitable for internal needs", however, Higgins does not explicitly

teaches used by the field bus), the service access unit further comprising a search

means for addressing the central register database, services requested by the service

access unit becoming active in the automation system (Higgins, Paragraph 40 teaches

"the content provider delivers the target server specific format request to a target

server", hence Higgins teaches querying a remote server).

5.   Although Higgins teaches ... the service access unit further including a protocol

converter (Higgins, Fig. 2, Element 278, Paragraph 38 teaches "one or more protocol

adapters") for adapting a first communication protocol used by the services to a second

communication protocol (Higgins, Paragraph 40, "content provider converts data

returned from target server to an internal binary format suitable for internal needs"),

however, Higgins does not explicitly teaches used by the field bus.

6.   But Ohno teaches ... used by the field bus (Ohno, Fig. 4, Element 408,

Paragraph 87, last sentence) ...

7.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention to implement the teachings of Ohno into Higgins. Because Higgins already

teaches protocol conversion from internet protocol to another internal protocol, Higgins

does not explicitly state the internal protocol is a field bus protocol. Ohno also teaches

protocol conversion from internet protocol to another internal protocol, specifically to a

field bus protocol in the analogous art of protocol conversion.

8.   As per claim 18, Higgins and Ohno teach the system according to claim 15,

wherein the services are web services (Higgins, Paragraphs 7 teaches the services are

internet browser based, in other words, web based).

9.   As per claim 19, Higgins and Ohno teach the system according to claim 15,

wherein the communication network is an intranet (Higgins, Paragraph 32 teaches

intranet).

10.   As per claim 20, Higgins and Ohno teach the system according to claim 15,

wherein the service access unit provides further services in the communication network

(Higgins, Paragraph 8 explains the content provider could be server based).

11.   As per claim 21, a method for using services provided in at least one

communication network having internet mechanisms (Higgins, Fig. 1, Element 102 and

104, Paragraph 32 teaches an internet based local area network, paragraph 36 explains

the network interface connecting to the network) and at least one automation system

comprising automation components connected by a conventional field bus (Higgins,

Paragraph 36 teaches "one or more media drive interfaces enable connections of

various media drives the internal bus", Fig. 1 also shows other automation components,

such as keyboard, mouse and monitor, which are connect to a bus), the method

comprising: connecting the conventional field bus (Higgins, Fig. 1, Element 110 and

174A, Paragraphs 36-37, the content provider system is stored in the main memory,

which is connected to a bus) to the communication network by a service access unit

(Higgins, Fig. 1, Element 174A, Paragraph 29 explains the content provider system

provides access to a remote server), the automation components lacking internet

mechanisms (Higgins, Paragraph 36 teaches "one or more media drive interfaces

enable connections of various media drives" where media drives would be lacking

internet mechanisms) and the communication network having a central register

database for providing information about the services accessible from the

communication network (Higgins, Fig. 1, Elements 180 and 190, Paragraph 29 teaches

information services 190 on sever system 180), the service access unit operative as

one element of the automation system (Higgins, Fig. 1, Element 174A, Content Provider

System, Paragraphs 29 and 35); adapting a first communication protocol used by the

services to a second communication protocol (Higgins, Paragraph 40, "content provider

converts data returned from target server to an internal binary format suitable for

internal needs", however, Higgins does not explicitly teaches used by the field bus) ...

by a protocol converter included in the service access unit (Higgins, Fig. 2, Element

278, Paragraph 38 teaches "one or more protocol adapters"), thereby permitting the

automation components to access internet mechanisms of the communication network

(Higgins, Paragraph 40, "content provider converts data returned from target server to

an internal binary format suitable for internal needs", however, Higgins does not

explicitly teaches used by the field bus); and accessing the services by the automation

components using the service access unit as a client (Higgins, Paragraph 40 teaches

"the content provider delivers the target server specific format request to a target

server"), the services requested by the automation components (Higgins, Fig. 2,

Elements 165 and 170, Paragraph 39 teaches "content provider accepts calendaring

and scheduling requests originating at calendar user application"), wherein the service

access unit operates as a server for providing services in the communication network

(Higgins, Fig. 1, Elements 111 and 174B, in this case, the content provider acts as a

server, Paragraph 33), the service access unit comprising a search means for

addressing the central register database, services requested by the service access unit

becoming active in the automation system (Higgins, Paragraph 40 teaches "the content

provider delivers the target server specific format request to a target server", hence

Higgins teaches querying a remote server).

12.   Although Higgins teaches ... the service access unit further including a protocol

converter (Higgins, Fig. 2, Element 278, Paragraph 38 teaches "one or more protocol

adapters") for adapting a first communication protocol used by the services to a second

communication protocol (Higgins, Paragraph 40, "content provider converts data

returned from target server to an internal binary format suitable for internal needs"),

however, Higgins does not explicitly teaches used by the field bus.

13.   But Ohno teaches ... used by the field bus (Ohno, Fig. 4, Element 408,

Paragraph 87, last sentence)...

14.   Thus it would have been obvious to one of ordinary skill in the art at the time of
the invention to implement the teachings of Ohno into Higgins. Because Higgins already
teaches protocol conversion from internet protocol to another internal protocol, Higgins
does not explicitly state the internal protocol is a field bus protocol. Ohno also teaches
protocol conversion from internet protocol to another internal protocol, specifically to a
field bus protocol in the analogous art of protocol conversion.

15.   As per claim 24, Higgins and Ohno teach the method according to claim 21,
wherein the services are web services (Higgins, Paragraphs 7 teaches the services are
internet browser based, in other words, web based).

16.   As per claim 25, Higgins and Ohno teach the method according to claim 21,
wherein the communication network is an intranet (Higgins, Paragraph 32 teaches
intranet).

17.   As per claim 26, Higgins and Ohno teach the method according to claim 21,
wherein the service access unit provides further services in the communication network
(Higgins, Paragraph 8 explains the content provider could be server based).

18.   As per claim 28, a service access unit (Higgins, Fig. 1, Element 174A, Content
Provider System, Paragraphs 29 and 35) for connecting an automation system having
automation components (Higgins, Paragraph 36 teaches "one or more media drive
interfaces enable connections of various media drives the internal bus", Fig. 1 also
shows other automation components, such as keyboard, mouse and monitor, which are
connect to a bus) to a communication network (Higgins, Fig. 1, Element 174A,
Paragraph 29 explains the content provider system provides access to a remote server)

having internet mechanisms (Higgins, Fig. 1, Element 102 and 104, Paragraph 32

teaches an internet based local area network, paragraph 36 explains the network

interface connecting to the network), the communication network having a central

register database for providing information about the services accessible from the

communication network (Higgins, Fig. 1, Elements 180 and 190, Paragraph 29 teaches

information services 190 on sever system 180), the service access unit comprising a

protocol converter (Higgins, Fig. 2, Element 278, Paragraph 38 teaches "one or more

protocol adapters") for adapting a first communication protocol used by the services to a

second communication protocol (Higgins, Paragraph 40, "content provider converts data

returned from target server to an internal binary format suitable for internal needs",

however, Higgins does not explicitly teaches used by the field bus) ... the automation

components lacking internet mechanisms (Higgins, Paragraph 36 teaches "one or more

media drive interfaces enable connections of various media drives" where media drives

would be lacking internet mechanisms), the service access unit operative as one

element of the automation system (Higgins, Fig. 1, Element 174A, Content Provider

System, Paragraphs 29 and 35), the conventional field bus connecting the automation

components (Higgins, Paragraph 36 teaches "one or more media drive interfaces

enable connections of various media drives the internal bus", Fig. 1 also shows other

automation components, such as keyboard, mouse and monitor, which are connect to a

bus), wherein the service access unit further operates as a client for requesting services

(Higgins, Paragraph 40 teaches "the content provider delivers the target server specific

format request to a target server") from the communication network (Higgins, Paragraph

40 teaches "the content provider delivers the target server specific format request to a

target server"), or as a server for providing services in the communication network and

permitting the automation components to communicate with the internet mechanisms of

the communications network (Higgins, Fig. 1, Elements 111 and 174B, in this case, the

content provider acts as a server, Paragraph 33), the service access unit further

comprising a search means for addressing the central register database, services

requested by the service access unit becoming active in the automation (Higgins,

Paragraph 40 teaches "the content provider delivers the target server specific format

request to a target server", hence Higgins teaches querying a remote server).

19.   Although Higgins teaches ... the service access unit further including a protocol

converter (Higgins, Fig. 2, Element 278, Paragraph 38 teaches "one or more protocol

adapters") for adapting a first communication protocol used by the services to a second

communication protocol (Higgins, Paragraph 40, "content provider converts data

returned from target server to an internal binary format suitable for internal needs"),

however, Higgins does not explicitly teaches used by the field bus.

20.   But Ohno teaches ... used by a conventional field bus (Ohno, Fig. 4, Element

408, Paragraph 87, last sentence), ...

21.   Thus it would have been obvious to one of ordinary skill in the art at the time of

the invention to implement the teachings of Ohno into Higgins. Because Higgins already

teaches protocol conversion from internet protocol to another internal protocol, Higgins

does not explicitly state the internal protocol is a field bus protocol. Ohno also teaches

protocol conversion from internet protocol to another internal protocol, specifically to a field bus protocol in the analogous art of protocol conversion.

22.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higgins, US 2002/0116505 in view of Ohno, US 2003/0161332 as applied to claim 21 above, further in view of Moran, US 2003/0083941.

23.   As per claim 27, Higgins and Ohno teach the method according to claim 21 (previously discussed), wherein the services include …

24.   Higgins and Ohno do not teach … executing a software update of at least one of the automation components. However, Moran teaches … executing a software update of at least one of the automation components (Moran, Fig. 12, Elements 1203- - 1260, Paragraph 103).

25.   Thus it would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teaching of Moran into Higgins and Ohno. Because Higgins and Ohno suggest a method and a system of remotely accessing, managing and providing for data, through internet, intranet and other networking solutions, wired or wirelessly and Moran also suggests internet communication, in particular, updating a device driver automatically through the use of internet, hence providing the benefit of remotely delivery of computing solutions in the analogous art of internet communication on a personal computing device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES C. JIANG whose telephone number is (571)270-7191. The examiner can normally be reached on M-F: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 517-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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